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Attorneys for Defendant, KMART HOLDING COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOYCELYN DAVIS,

Plaintiff,

vs.

KMART HOLDING COMPANY, a
CORPORATION dba KMART and
KMART SUPERSTORES, and
DOES ONE THROUGH TWENTY,
Inclusive,

Defendants.

Case No. C04-0632-WDB

STIPULATION &
ORDER TO ALLOW DEPOSITION
DISCOVERY TO BE CONDUCTED
VIA TELEPHONE

Whereas, Rule 30(b)(7) of the Federal Rules of Civil Procedure, in part, provides that the parties to a civil action “may upon stipulation in writing or the court may upon motion order that a deposition be taken by telephone or other remote electronic means;” and

Whereas, Plaintiff has previously noticed the deposition of Susan Duncan who works and resides in southern Florida to be taken by telephone on August 2, 2005, beginning at

1 10:00 a.m., PDT, and Defendant has agreed to allow Plaintiff to take Ms. Duncan's
2 deposition via telephone,

3 Therefore, the parties herein, through and by their undersigned counsel of record,
4 stipulate and agree to take depositions via telephone on such terms and conditions as they
5 may agree upon from time-to-time, including the deposition of Susan Duncan, and hereby
6 further agree and stipulate to entry of an order allowing the parties to conduct deposition
7 discovery in this civil action via telephone.

8
9 Moore and Moore
Attorneys for Plaintiff
Dated: July 28, 2005

11 By: _____
12 HOWARD MOORE, JR.

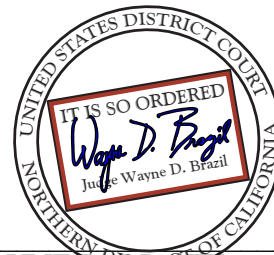
13
14 Epstein Becker & Green, P.C.
Attorneys for Defendant
Dated: July , 2005

16
17 By: _____
18 LORI BIEN

19 ORDER

20 Pursuant to Stipulation: IT IS SO ORDERED.

21 Dated: July 29, 2005



23
24 WAYNE D. BRAZIL
United States Magistrate Judge